

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ANGELA MENDOZA, AKA  
ANGELA DANIEL**

Registered Nurse License No. 577804

Respondent

Case No. 2013-84

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 17, 2012.**

IT IS SO ORDERED **December 17, 2012.**



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 Case No. 2013-84

12 In the Matter of the Accusation Against:

13 **ANGELA MENDOZA,**  
14 **AKA ANGELA DANIEL**  
15 **1301 Avenida Ofelita**  
**El Cajon, CA 92019**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

16 **Registered Nurse License No. 577804**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing. She brought this action solely in her official capacity and is represented in  
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Nicole R. Trama,  
25 Deputy Attorney General.

26 2. Angela Mendoza, aka Angela Daniel (Respondent) is representing herself in this  
27 proceeding and has chosen not to exercise her right to be represented by counsel.  
28

3. On or about February 27, 2001, the Board of Registered Nursing issued Registered Nurse License No. 577804 to Angela Mendoza, aka Angela Daniel (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2013-84 and will expire on November 30, 2012, unless renewed.

## JURISDICTION

4. Accusation No. 2013-84 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 1, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-84 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2013-84. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-84, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 577804 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 577804, issued to Respondent Angela Mendoza, aka Angela Daniel, is surrendered and accepted by the Board of Registered Nursing.

1        1.     The surrender of Respondent's Registered Nurse License and the acceptance of the  
2     surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
3     This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
4     license history with the Board of Registered Nursing.

5        2.     Respondent shall lose all rights and privileges as a registered nurse in California as of  
6     the effective date of the Board's Decision and Order.

7        3.     Respondent shall cause to be delivered to the Board her pocket license and, if one was  
8     issued, her wall certificate on or before the effective date of the Decision and Order.

9        4.     If Respondent ever files an application for licensure or a petition for reinstatement in  
10    the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
11    comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
12    effect at the time the petition is filed, and all of the charges and allegations contained in  
13    Accusation No. 2013-84 shall be deemed to be true, correct and admitted by Respondent when  
14    the Board determines whether to grant or deny the petition.

15       5.     If and when Respondent's license is reinstated, she shall pay to the Board costs  
16    associated with its investigation and enforcement pursuant to Business and Professions Code  
17    section 125.3 in the amount of \$1,760.00. Respondent shall be permitted to pay these costs in a  
18    payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
19    Board from reducing the amount of cost recovery upon reinstatement of the license.

20       6.     If Respondent should ever apply or reapply for a new license or certification, or  
21    petition for reinstatement of a license, by any other health care licensing agency in the State of  
22    California, all of the charges and allegations contained in Accusation, No. 2013-84 shall be  
23    deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
24    Issues or any other proceeding seeking to deny or restrict licensure.

25       7.     Respondent shall not apply for licensure or petition for reinstatement for one (1) year  
26    from the effective date of the Board of Registered Nursing's Decision and Order.

1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated  
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
5 by the Decision and Order of the Board of Registered Nursing.

6  
7 DATED: Sept 10, 2012

Angela Mendoza  
ANGELA MENDOZA, AKA ANGELA DANIEL  
Respondent

9  
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
12 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

13 Dated: 9/11/2012

Respectfully submitted,

14 KAMALA D. HARRIS  
15 Attorney General of California  
16 JAMES M. LEDAKIS  
Supervising Deputy Attorney General

17 Nicole R. Trama  
18 NICOLE R. TRAMA  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 2013-84**

10/15/13 10:15:01  
10/15/13 10:15:01  
10/15/13 10:15:01

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-84**

12 **ANGELA MENDOZA,**  
13 **AKA ANGELA DANIEL**  
14 **11945 Via Zapata**  
**El Cajon, CA 92019**

**ACCUSATION**

15 **Registered Nurse License No. 577804**

16 **Respondent.**

17  
18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about February 27, 2001, the Board of Registered Nursing issued Registered  
24 Nurse License Number 577804 to Angela Mendoza, also known as Angela Daniel (Respondent).  
25 The Registered Nurse License was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on November 30, 2012, unless renewed.  
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1 herself, or furnish or administer to another, any controlled substance as defined in  
2 Division 10 (commencing with Section 11000) of the Health and Safety Code or  
3 any dangerous drug or dangerous device as defined in Section 4022.

4 (b) Use any controlled substance as defined in Division 10 (commencing  
5 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
6 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent  
7 or in a manner dangerous or injurious to himself or herself, any other person, or  
8 the public or to the extent that such use impairs his or her ability to conduct with  
9 safety to the public the practice authorized by his or her license.

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9. Section 2770.11 of the Code states:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If a committee determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the committee shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding.

10. Section 2770.12 of the Code states:

(a) After a committee in its discretion has determined that a registered nurse has successfully completed the diversion program, all records pertaining to the registered nurse's participation in the diversion program shall be purged.

(b) All board and committee records and records of a proceeding pertaining to the participation of a registered nurse in the diversion program shall be kept confidential and are not subject to discovery or subpoena, except as specified in subdivision (b) of Section 2770.11 and subdivision (c).

(c) A registered nurse shall be deemed to have waived any rights granted by any laws and regulations relating to confidentiality of the diversion program, if he or she does any of the following:

(1) Presents information relating to any aspect of the diversion program during any stage of the disciplinary process subsequent to the filing of an accusation, statement of issues, or petition to compel an examination pursuant to Article 12.5 (commencing with Section 820) of Chapter 1. The waiver shall be limited to information necessary to verify or refute any information disclosed by the registered nurse.

1 (2) Files a lawsuit against the board relating to any aspect of the  
2 diversion program.

3 (3) Claims in defense to a disciplinary action, based on a complaint that  
4 led to the registered nurse's participation in the diversion program, that he or she  
5 was prejudiced by the length of time that passed between the alleged violation and  
6 the filing of the accusation. The waiver shall be limited to information necessary  
7 to document the length of time the registered nurse participated in the diversion  
8 program.

### 9 COST RECOVERY

10 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licensee found to have committed a violation or violations of  
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13 enforcement of the case.

### 14 DRUGS

15 12. Fioricet is a compound consisting of Butalbital, a Schedule III controlled substance as  
16 designated by Health and Safety Code section 11056(c)(3), and caffeine and acetaminophen, and  
17 is a dangerous drug pursuant to Business and Professions Code section 4022.

18 13. Phenobarbital, sold under the brand name Luminal, is a Schedule IV controlled  
19 substance as designated by Health and Safety Code section 11057(d)(26), and is a dangerous drug  
20 pursuant to Business and Professions Code section 4022.

21 14. Vicodin, a brand name for acetaminophen and hydrocodone bitartrate, is a Schedule  
22 III controlled substance as designated by Health and Safety Code Section 11056, and is a  
23 dangerous drug pursuant to Business and Professions Code section 4022.

### 24 FACTUAL ALLEGATIONS

25 15. Respondent was employed as a registered nurse at Scripps Green Hospital (Scripps)  
26 in La Jolla, California in the Med/Surgical unit. Several irregularities were noted in Respondent's  
27 documentation and administration of controlled substances, such as removal of medications from  
28 Pyxis for patients that were not assigned to Respondent, documentation by Respondent that she  
gave medications that were not, in fact, given to patients, documentation by Respondent that she  
wasted medication but failure to actually record wastage in Pyxis, and failure to document  
administration of medications that Respondent removed from Pyxis.

1        16. Respondent was interviewed and confronted with the discrepancies. Respondent  
2 admitted that she took medications ordered for patients for her own personal use. Respondent's  
3 employment at Scripps was terminated for unauthorized removal of a controlled substance from  
4 the hospital and for admitting to using these substances while working.

5        17. On or about June 22, 2010, Respondent contacted the Board of Registered Nursing's  
6 MAXIMUS Diversion Program to voluntarily participate in the program. During her intake  
7 interview, Respondent admitted that she diverted opiate medication while working the night shift  
8 at Scripps. Respondent admitted that she had been diverting Vicodin since March 2010.  
9 Respondent also admitted that she was caught diverting Vicodin from patients to herself after a  
10 patient's family member reported to another nurse that the patient did not receive Vicodin, even  
11 though the patient's record reflected that Respondent administered Vicodin to the patient.

12        18. By enrolling in MAXIMUS, Respondent agreed to abstain from the use of over-the-  
13 counter drugs, alcohol, and all other mind-altering drugs unless prescribed, to submit copies of  
14 prescriptions for all prescription medications she was currently taking, to attend and complete an  
15 aftercare program for a total of 12 months, to enter a chemical dependency outpatient treatment  
16 program, to attend weekly 12-step meetings, to attend Nurse Support Group (NSG) meetings, to  
17 submit to urine tests to monitor drug and alcohol usage, to call in or log-in on a daily basis to  
18 determine if she was required to submit to testing that day, and to provide specimens that result in  
19 the effective monitoring of drug and alcohol usage (within the acceptable ranges of Creatinine (>  
20 20 mg/dl) and Specific Gravity (>1.0003))<sup>1</sup>, among other terms.

21        19. On July 6, 2010, Respondent received a dilute test result (Creatinine 15.1 mg/dl and  
22 Specific Gravity >1.002), which was outside the acceptable range. On September 7, 2010,  
23 Respondent called into First Lab and was informed that she was scheduled to test that day.  
24 However, Respondent missed the scheduled drug screening test on September 7, 2010. On  
25 September 28, 2010, Respondent received an out of range test result (Creatinine 13.9 mg/dl),  
26

27        <sup>1</sup> Specimens which return below the acceptable ranges of Creatinine (> 20 mg/dl) and  
28 Specific Gravity (>1.0003) undermine the random drug testing.

1 which was outside the acceptable range. On November 17, 2010, Respondent did not call in or  
2 log-in with First Lab to see if she was required to submit to testing that day.

3 20. On July 19, 2011, Respondent tested positive for Phenobarbital 784 ng/ml. The  
4 MAXIMUS program deemed this a relapse and Respondent was informed that if she received  
5 another positive lab result for a non-approved medication, her case would be closed.

6 21. On May 29, 2012, Respondent tested positive for Butalbital 10101 ng/ml.  
7 Respondent admitted that she took two Fioricet for a migraine headache on May 29, 2012.

8 22. On or about June 11, 2012, Respondent was terminated from MAXIMUS for non-  
9 compliance and deemed a public safety risk.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unlawfully Obtain Controlled Substances)**

12 23. Respondent is subject to disciplinary action for unprofessional conduct under section  
13 2762(a) in that while employed as a registered nurse at Scripps, Respondent unlawfully obtained  
14 and possessed controlled substances, as is more particularly set forth in paragraphs 15 through 17  
15 above, which are incorporated herein as though set forth in full.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Used Drugs in Dangerous Manner)**

18 24. Respondent is subject to disciplinary action under section 2762(b) of the Code in that  
19 Respondent used controlled substances to an extent or in a manner that was dangerous to herself  
20 or others, as set forth in paragraphs 15 through 17, above, which are incorporated herein by  
21 reference, as though set forth in full.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 25. Respondent is subject to disciplinary action under section 2761(a) of the Code in that  
25 Respondent exhibited general unprofessional conduct, as set forth in paragraphs 15 through 22,  
26 above, which are incorporated herein as though set forth in full.

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6

1 FOURTH CAUSE FOR DISCIPLINE

2 (Violation of the Chapter)

3 26. Respondent is subject to disciplinary action under section 2761(d) of the Code for  
4 failure to comply with section 2770.11(a), as set forth in paragraphs 17 through 22, above, which  
5 are incorporated herein by reference, for failure to comply with the Board's diversion program as  
6 she agreed to do.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 577804, issued to Angela  
11 Mendoza, also known as Angela Daniel;

12 2. Ordering Angela Mendoza, also known as Angela Daniel to pay the Board of  
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
14 pursuant to Business and Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: 7/24/2012

17 *for* LOUISE R. BAILEY, M.ED., RN  
18 Interim Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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